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P.O. BOX 706 • DEMING, NEW MEXICO 88031
POPULATION 14,000

CITY COUNCIL MEETING

May 14, 2012

4:00 P.M. CITY COUNCIL WORKSHOP

6:00 P.M. CITY COUNCIL MEETING

AGENDA

Call to Order / Pledge of Allegiance

1. Consent Agenda
 - A. Minutes - City Council Workshop and Regular Meeting 04/09/12
 - B. Minutes - Special City Council Meeting 04/17/12
 - C. Minutes - Tourism Development Commission Meeting 04/11/12
 - D. Minutes - Planning and Zoning Commission Meeting 04/16/12
 - E. Minutes - Airport Commission Meeting 04/10/12
 - F. Minutes – Marshall Memorial Library (*Cancelled*)
2. Health Security for New Mexicans Presentation
3. Public Forum
4. Ratification of Proclamation Declaring the First Week In May as Youth Week.
5. Approval of Job Descriptions for College Intern (Seasonal), Truck Driver, Human Resources Specialist/Safety Officer, Senior Budget Analyst, and Audit Specialist.
6. Public Hearing to Consider an Ordinance Amending Title 9, Chapter 5, Section 8D of the City of Deming Code Regarding Sewer Rates.
7. Public Hearing to Consider an Ordinance Amending Title 12, Chapter 7, Section 1, of the City of Deming Code Regarding Administrative Zoning Variances.
8. Public Hearing to Consider an Ordinance Amending Title 1, Chapter 11 of the City of Deming Code Regarding Operations of the Municipal Court.
9. Public Hearing to Consider an Ordinance Amending Title 2, Chapter 8, of the City of Deming Code Amending the Frequency of the Tourism Development Committee Meetings.
10. Public Hearing to Consider an Ordinance Approving the Sale and Lease of Multiple Agricultural Real Estate Properties Owned by the City of Deming.
11. Ratification on Sale of Edward Jones Government National Mortgage Association Government Backed Securities.
12. Approval for Judge Van Gundy to attend the Judicial Education Center in Reno Nevada on June 4-7, 2012.

13. Bids
 - a. Bid #12-13 Columbarium
14. Closed Session to Discuss the Donation/Sale and Purchase of Commercial and Agricultural/Rural Properties and Potential Litigation of LEDA Project Pursuant to NMSA 1978, Sections 10-15-1 (H)(8) and Sections 10-15-1(H)(7), of the Open Meetings Act.
15. Adjourn Meeting

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., June 11, 2012.

**CITY COUNCIL
WORKSHOP MINUTES
May 14, 2012**

Council Present:

**Andres Z. Silva, Mayor
William Shattuck, Councilor**

Linda Enis, Mayor Pro Tem

Council Absent:

David Sanchez, Councilor

Joe "Butter" Milo, Councilor

Staff Present:

**Richard McInturff, City Administrator
Lawrence Brookey, Public Works Director
Edgar Davalos, Fire Chief
Vicki Engle, HR/Safety Coordinator
Jim Foy, City Attorney**

**Aaron Sera, Assistant City Administrator
Michael Carrillo, Police Chief
Rick Kocab, Assistant Treasurer
Lloyd Valentine, Budget Analyst**

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Silva and the City Council of Deming, New Mexico held a workshop on May 14, 2012 at 4:00 p.m. to discuss items of the City Council Regular Meeting Agenda scheduled for 6:00 p.m. the same day.

Mr. McInturff referred to the minutes of the Tourism Development Committee for discussion. He asked about the proposed media plan that was to focus on "October is a Great Time to be in Deming". Mr. Kocab reported the funding this year would be used to promote several different events including, the Klobase and wine festivals, car shows, and St. Ann's Fiesta. The funding for the events was included in the budget and the fact that Steakfest was not going to happen again this year was not going to effect the funding from the New Mexico Co-Op Marketing Grant. Mr. McInturff also asked for information regarding the request from the TDC to add a directional pole illustrating the distance to local attractions at the Chamber. Mr. Sera stated that he is waiting for a response to an email he sent to the Chamber and Mr. Kocab regarding the request. Mr. Kocab stated that the sign would indicate the distances to local attractions such as the Rockhound State Park, City of Rocks, Downtown Musuem, with arrows indicating the mileage. Mayor Silva stated that it was his understanding the sign was going to replace the billboard with a map on it currently located at the Chamber.

Mr. McInturff questioned the portion of the Airport Commission Minutes concerning the AIP 2012. He was concerned that the City might have to provide additional matching funds for the project. Mr. Sera explained the total project cost is \$330,000 and the grant funding received for the project includes a City and State match of \$15,000 each. Mr. Sera explained if the bid comes in over budget, construction dollars will be pulled from another FAA AIP Project and the City will not have to provide more matching funds.

Mr. Sera pointed out a correction that needed to be made to the Council Minutes concerning Nancy White not listed as present at the meeting.

Mayor Silva stated that a presentation would be given concerning Health Security for New Mexico followed by the public forum and a ratification of a proclamation declaring the first week in May as "Youth Week."

Mrs. Engle presented the five job descriptions up for approval. She explained the college intern is a new position which will be utilized by the Public Works Department to hire a college intern from an engineering program at NMSU. Mr. Brookey stated the intern is needed to complete a water conservation project as part of the Arizona Water Settlement Act. The intern is also needed to complete a review of the utility billing accounts. Mrs. Engle explained the Truck Driver position would be used for differential pay purposes only. The Human Resources Specialist/Safety Officer (Range 32), Senior Budget Analyst (Range 31) and Audit Specialist (Range 31) positions are being changed to better reflect the duties that are being performed and the increase in the ranges. Mr. McInturff stated that only the job descriptions were being considered at this meeting and not any promotions.

Mr. McInturff gave a brief summary of the ordinance increasing sewer rates. He explained the increase is necessary because the City had to borrow the money for the replacement liners at the wastewater treatment plant. He also pointed out that Deming's rates are still lower than the average for cities serving similar sized populations.

Mr. Sera presented the ordinance concerning an administrative variance for zoning regulations. He stated the purpose of the administrative variance is to make it easier for people building a house on a lot where the setback requirements are not necessary. Mr. McInturff stated the City has some 60 to 100 foot right of ways in which the street only takes up 30 feet, so some of the setback requirements are not necessary.

Mr. McInturff stated the ordinance regarding the Municipal Court is a clean-up effort to better reflect the operations of the court. He reported one of the changes included the qualification for the municipal judge to be a resident of the City and the other changes were made to the Docket, and Judgments and Appeal portion of the code. In the past, the court acted more independently of the city and accounting processes and procedures have since changed. The portion of the ordinance concerning judgments had not been updated since 1908. Mr. McInturff requested Mr. Foy provide language clarification for the Appeal portion of the ordinance.

Mr. Kocab reported the Tourism Development Committee agreed to the recommendation made by staff to change the frequency of their meetings to quarterly.

Mr. McInturff presented the ordinance regarding the sale and lease of the farms. He stated the ordinance is required by State Statute 3-54-1 to notify the public the City is selling property valued in excess of \$25,000. He reported the City is leasing the Marchak Farm and selling the Waterloo Farm to James and Cass Keeler. The City has entered into the sale of the Yates Farm to Kevin Penn and is selling the Woods I Farm to Zach Penn. All three farms have been leased by their prospective buyers and the selling process are at appraised value. Mr. McInturff reviewed the details of the ordinance and requested a few minor typographical changes be made before the Council meeting.

Mr. McInturff reviewed the request for ratification of the sale of the GNMA's. He stated the GNMA's had minimal value and had become a bookkeeping issue for the City. The trade confirmations were provided in the packet for detailed clarification of what was sold.

Mr. McInturff presented the request by Judge VanGundy to attend the National Judicial College's Best Practices in Handling Cases with Self-Represented Litigants Course to be held on June 4, 2012 in Reno, Nevada. He reported the class was paid for by a scholarship.

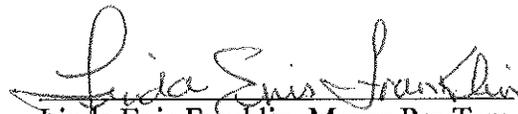
Mr. Sera reported only one bid was received for the Cemetery Columbarium from Premier Columbaria in the amount of \$36,395, which was under the budgeted amount of \$40,000.

Mayor Silva stated there will be a Closed Session.

Mayor Pro Tem Enis requested Officer Schindler be recognized publicly for her good deed of giving a stranded citizen \$50 for gas.

With no further business to conduct the workshop was adjourned at 4:35 p.m.

CITY OF DEMING, NEW MEXICO


Linda Enis Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Deputy Clerk



CITY COUNCIL MEETING MINUTES

May 14, 2012

Council Present:

Andres Z. Silva, Mayor
Linda Enis, Mayor Pro Tem
David Sanchez, Councilor

William Shattuck, Councilor
Joe "Butter" Milo, Councilor

Staff Present:

Richard McInturff, City Administrator
Aaron Sera, Assistant City Administrator
Vicki Engle, Human Resource Coordinator
Lawrence Brookey, Public Works Director
Delbert Rivera, Battalion Chief

Jim Foy, City Attorney
Michael Carillo, Police Chief
Edgar Davalos, Fire Chief
Richard Kocab, Assistant Treasurer

Recording Secretary: Berenda McWright, Assistant Deputy Clerk

Mayor Silva led the pledge of allegiance and called the meeting to order at 6:00 p.m. followed by a moment of silence to honor the passing of Bob Orosco.

1. Consent Agenda:

- A. Minutes - City Council Workshop and Regular Meeting 04/09/12
- B. Minutes - Special City Council Meeting 04/17/12
- C. Minutes - Tourism Development Commission 04/11/12
- D. Minutes - Planning and Zoning Commission 04/16/12
- E. Minutes - Airport Commission 04/10/1
- F. Minutes - Marshall Memorial Library (*Cancelled*)

Councilor Shattuck motioned to approve the Consent Agenda as presented. The motion was seconded by Councilor Milo and was approved unanimously.

2. Health Security for New Mexicans Presentation: Ike Trevino, Southern Coordinator for the Health Security for New Mexicans Campaign "HSNMC" gave a brief presentation regarding the New Mexico Health Security Plan. Mr. Trevino stated the HSNMC is a statewide, nonpartisan coalition of over 145 organizations established in 1992 to create a publicly accountable health care system in New Mexico that guarantees comprehensive medical and mental health care coverage to all residents and allows for freedom of choice of providers and controls costs.

3. Public Forum: A public comment period was entertained by the Council.

4. **Ratification of Proclamation Declaring the First Week In May as Youth Week:** Mayor Silva read the Proclamation for the record. Mayor Pro Tem Enis motioned to ratify the Proclamation Declaring the First Week In May as Youth Week. The motion was seconded by Councilor Sanchez and carried unanimously.

5. **Approval of Job Descriptions for College Intern (Seasonal), Truck Driver, Human Resources Specialist/Safety Officer, Senior Budget Analyst, and Audit Specialist:** Human Resource Coordinator Vicki Engle requested approval of the five new position descriptions. Ms. Engle stated the first job description is for a College Intern position which is a new and was created to work with the NMSU's Student Summer Hire Program. The second job description is for a Truck Driver position which will be used for differential pay purposes only. The ranges for the last three job descriptions were amended as follows: Human Resource Specialist Range 32; Senior Budget Analyst Range 31; and Audit Specialist Range 31. Mr. McInturff stated the approval would be for the job descriptions only and not for promotions. Councilor Milo motioned to approve the job descriptions for the following positions; College Intern (Seasonal), Truck Driver, Human Resources Specialist/Safety Officer, Senior Budget Analyst, and Audit Specialist with the amended ranges as presented. The motion was seconded by Councilor Shattuck and carried unanimously.

6. **Public Hearing to Consider an Ordinance Amending Title 9, Chapter 5, Section 8D of the City of Deming Code Regarding Sewer Rates:** City Administrator Richard McInturff recommended approval of the ordinance increasing sewer rates. Mr. McInturff presented a Wastewater Utility Rate Analysis Summary showing the City to have an average of approximately 5,000 accounts of which 91% are residential. The estimated revenue for the fiscal year 2012 is \$826,492 which is \$143,929 short of the estimated expenses. Mr. McInturff stated the main reason for the shortfall is due to the debt service of the liner replacement for the waste water treatment plant. Due to the lack of available grant funding, the City borrowed \$1,800,000 for the liner replacement project which was a critical because of the possibility of contaminating the ground water supply. The debt service on the loan is approximately \$121,000 per year. The City is in the first year of a rate increase that was previously instituted on the Wastewater Treatment Facilities. When the increase was instituted the City was projecting grant funding would be obtained for the liner replacement project. Mr. McInturff also presented a Comparison Analysis of rates which showed the average for similar sized populations to be \$23.07, the average for Southwest New Mexico \$17.78, and the statewide average to be \$21.79. Deming's rates even with the increase which will be stepped over three years are still lower than the averages.

Mr. McInturff further explained the total cost of the liner replacement project was approximately \$2,500,000 of which an appropriation was received from the State in the amount of \$350,000. The City borrowed \$1,800,000 from the New Mexico New Mexico Finance Authority with an interest rate of 2.3% over 20 years. The project consists of replacing five of the six liners at the wastewater treatment plant which have lasted approximately 30 years. The new liners are expected to last even longer. The liner of the sixth pond was replaced approximately five or six years ago.

whose partners are James and Cass Keeler to purchase the Waterloo Farm and also to lease the adjacent Marcak Farm. The Ordinance also allows for Rancho Globo a previous lessor whose principal is Kevin Penn to purchase the property known as the Yates Farm and William Zachery Penn to purchase the Woods I Farm for appraised values. The Waterloo Farm appraised for \$420,000 the Yates Farm appraised for 415,000 and the Woods I Farm appraised for \$320,000. Mr. McInturff read the ordinance for the record (see attached).

Mayor Silva opened for public comment. Larry Caldwell stated the City previously purchased the land for the water rights and the land should be listed with a realtor and sold for more than appraised value. Bill Duncan spoke in favor of selling the farms for appraised value because appraised values are currently very high. In response to a question from Edward Khanbajian, Mr. McInturff explained that the purchasers of the farms are currently leasing those farms and if the farms were listed with a realtor the sale would have to be subject to those long-term leases. Jay Spivey spoke in favor of selling the farm land due to the jobs it will produce for the community and cautioned Council regarding the sale of the water rights due to their future value. Mayor Silva stated it was his understanding the water rights are too far south and would be difficult to convey the water to the water system..

Councilor Shattuck motioned to adopt the Ordinance Approving the Sale and Lease of Multiple Agricultural Real Estate Properties Owned by the City of Deming to separate entities and individuals. The motion was seconded by Councilor Sanchez and carried unanimously.

- 11. Ratification on Sale of Edward Jones Government National Mortgage Association Government Backed Securities:** Mr. McInturff recommended approval of the ratification of the sale of Edward Jones mortgage backed securities. Mr. McInturff provided the Trade Confirmations for the securities that had a face value of approximately \$24,000 total and sold for about \$27,000 total. He explained the securities were creating a significant amount of book keeping entries in relation to the total investment portfolio. Mayor Pro Tem Enis motioned to ratify the sale of Edward Jones Government National Mortgage Association Government Backed Securities. The motion was seconded by Councilor Sanchez and carried unanimously.

- 12. Approval for Judge Van Gundy to Attend the Judicial Education Center in Reno, Nevada on June 4-7, 2012:** Mr. McInturff recommended approval of the request by Judge Van Gundy to attend the National Judicial College's Best Practices in Handling Cases with Self-Represented Litigants course to be held on June 4th in Reno, Nevada. Mr. McInturff informed the Council they were only approving the out-state-travel because the class was paid for by a scholarship. Councilor Milo motioned to approve the out-of-state travel request made by Judge Van Gundy to attend the Judicial Education Center in Reno, Nevada on June 4-7, 2012. The motion was seconded by Councilor Sanchez and carried unanimously.

- 13. Bid #12-13 Columbarium:** Assistant City Administrator Aaron Sera recommended accepting the only bid received from Premier Columbaria in the amount of \$36,395. Mr. Sera reported the plan for the columbarium would be presented to the Parks Commission. Councilor Milo asked if the plan for the columbarium was going to leave room for

expansion. Mr. Sera explained the columbarium would be situated around the statute in the cemetery and any additional columbarium would have to be located in another area of the cemetery. Councilor Milo motioned to accept Bid #12-13 Columbarium to Premier Columbarium for the total cost of \$36,395 not including gross receipts tax. The motion was seconded by Councilor Sanchez and carried unanimously.

14. **Closed Session to Discuss the Donation/Sale and Purchase of Commercial and Agricultural/Rural Properties and Potential Litigation of LEDA Project Pursuant to NMSA 1978, Sections 10-15-1(H)(8) and Sections 10-15-1(H)(7), of the Open Meetings Act:** Mayor Silva entertained a motion to go into Closed Session to discuss the donation/sale and purchase of commercial and agricultural/rural properties and potential litigation of LEDA Project pursuant to NMSA 1978, sections 10-15-1(H)(8) and Sections 10-15-1(H)(7), of the Open Meetings Act. Mayor Pro Tem Enis so moved, Councilor Milo seconded and the motion for closed session was approved unanimously by a roll call vote.

ROLL CALL VOTE:

Councilor Sanchez	Aye
Mayor Pro Tem Enis	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

The closed session began at 7:45 p.m. and ended at 8:45 p.m. Councilor Shattuck did not remain in the Council chambers for the entire closed session.

Councilor Milo motioned to come back into Open Session. The motion was seconded by Councilor Sanchez and was approved unanimously by a roll call vote.

ROLL CALL VOTE:

Councilor Sanchez	Aye
Mayor Pro Tem Enis	Aye
Councilor Shattuck	Aye
Councilor Milo	Aye

Mayor Pro Tem Enis motioned to authorize the Mayor to execute the Donative Agreement between the City and the Deming Public Schools for the Deming Saddle and Polo Club grounds. The motion was seconded by Councilor Sanchez and carried unanimously.

Mayor Pro Tem Enis motioned to authorize management to execute a lease agreement between the City of Deming and Jessica Johnson along with Benjamin Etcheverry as joint leesees for a four acre portion of the property known as the Deming Saddle and Polo Club grounds. The motion was seconded by Councilor Milo and carried unanimously.

Mayor Pro Tem Enis motioned to authorize management to conclude the purchase agreement of the properties located at 123 West Cedar and 120 N. Gold. The motion was seconded by Councilor Sanchez and was approved. Councilor Shattuck recused himself from the vote. It

was noted that Councilman Shattuck is assisting the City in these two real estate transactions and is receiving no commission or compensation for his services.

Mayor Pro Tem Enis motioned to authorize management to negotiate and the Mayor to execute a letter of intent with Bencor. The motion was seconded by Councilor Milo and was approved. Councilor Shattuck recused himself from the vote. It was noted that Councilman Shattuck is assisting in marketing the property for lease through NAI 1st Valley and no commission would be paid by the Lessors (City and County).

Mayor Pro Tem Enis motioned to authorize management to negotiate the Joint Powers Agreement with Luna County for a Joint Economic Development Project in the downtown area. The motion was seconded by Councilor Sanchez and was approved. Councilor Shattuck recused himself from the vote.

- 15. Adjourn Meeting:** Mayor Silva entertained a motion to adjourn. Councilor Sanchez motioned to adjourn. The motion was seconded by Councilor Milo and the meeting was adjourned at 8:40 p.m.

The next regular City Council Workshop and Meeting are scheduled for 4:00 & 6:00 p.m., June 11, 2012.

CITY OF DEMING


Linda Enis Franklin, Mayor Pro Tem

ATTEST:


Richard F. McInturff, Deputy Clerk



PROCLAMATION YOUTH WEEK

WHEREAS, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Deming Lodge #2799 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

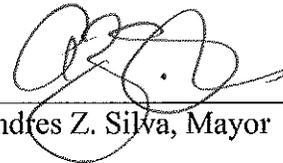
WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW THEREFORE, I Andres Silva, Mayor of the City of Deming, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Done this 1st day of May of 2012 in the City of Deming, New Mexico.



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk



ORDINANCE NO. 1220

AN ORDINANCE AMENDING TITLE 9 OF THE DEMING CITY CODE, NEW MEXICO

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

1. Title 9, Chapter 5 is hereby amended by the deletion of section 9-5-8D and is replaced with the following:

9-5-8: SEWER RATES, FORMULA¹:

D. Current Rates:

1. Rates:

	Effective June 1, 2011, Reflected Beginning On July's Billing Cycle 1		
	Base Rate	Incremental Rate Per 1,000 Gallons	Incremental Rate Per 100 Cubic Feet
Residential	\$8.00	\$0.540	\$0.403
Commercial	\$10.00	\$0.595	\$0.444
Lift Station	-	\$0.750	\$0.561

	Effective June 1, 2012, Reflected Beginning On July's Billing Cycle 1		
	Base Rate	Incremental Rate Per 1,000 Gallons	Incremental Rate Per 100 Cubic Feet
Residential	\$10.25	\$0.620	\$0.459
Commercial	\$12.25	\$0.677	\$0.505
Lift Station	-	\$0.840	\$0.634

	Effective June 1, 2013, Reflected Beginning On July's Billing Cycle 1		
	Base Rate	Incremental Rate Per 1,000 Gallons	Incremental Rate Per 100 Cubic Feet
Residential	\$12.50	\$0.669	\$0.499
Commercial	\$14.50	\$0.736	\$0.549
Lift Station	-	\$0.928	\$0.694

Sewer main extension greater than five feet (5') in depth to be installed at option of the city and charged at actual city cost for installation and material or the actual contract cost plus administration to the city.

2. Rate Review: Not less frequently than once every twelve (12) months, the established sewer service rates provided for hereby shall be reviewed and amended if necessary to meet the determined need to recover sufficient revenues to provide for operation, maintenance and replacement costs.

PASSED, ADOPTED, AND APPROVED, this 14th day of May, 2012.

CITY COUNCIL, CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:


Richard F. McInturff, City Clerk

ORDINANCE NO. 1221

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 11 "MUNICIPAL COURT",
SECTIONS 2, 3, 5, 6 AND 7 OF THE MUNICIPAL CODE
OF THE CITY OF DEMING NEW MEXICO**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DEMING, NEW MEXICO:

Title 1, Chapter 11, Section 2A & B, Section 3B, Section 5, Section 6A & B, and Section 7, of
the City of Deming Municipal Code will be deleted in their entirety and replaced with the
following:

1-11-2 QUALIFICATIONS; COURT SESSIONS:

- A. Qualifications: The municipal judge shall be a citizen of the United States, a resident of
the City of Deming and have such other qualifications as may be determined and required
from time to time by the city council.

1-11-5 DOCKET:

The municipal judge shall keep a docket in which he shall enter a true record of all actions
brought before him. All cases tried before them municipal judge shall be docketed in the name
of the city against the defendant, and shall provide detail (judgment and sentence) of each case,
and itemized statement of all costs and fines imposed and collected by him.

1-11-6 JUDGEMENTS:

- A. Discretionary Action: Judgment of guilty or not guilty of the offense charged shall be
entered in such case, and by said judgment defendant shall be discharged, fined or
imprisoned as the case may be; and when defendant is found guilty, the costs of such case
shall be assessed against him, and all judgments imposing a fine or penalty shall be, in
default of the payment thereof, imprisonment for a specified number of days or until such
fine and costs are paid.
- B. Guilty Judgment: Whenever judgment of guilty is entered in any case, the judge shall
issue a commitment against the person of the defendant, commanding the police or other
officer, acting in default of the immediate payment of such fine and costs as may have
been assessed, or where the judgment shall be imprisonment, to commit the defendant to
the city or county jail.

1-11-7 APPEAL:

A defendant in any case shall be entitled to file an appeal in accordance with the laws of the
State of New Mexico and the rules of the New Mexico Supreme Court.

PASSED, ADOPTED, AND APPROVED, this 14th day of May, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk



ORDINANCE NO. 1222

AN ORDINANCE AMENDING TITLE 2, CHAPTER 8
"TOURISM DEVELOPMENT COMMITTEE", SECTION 5 OF THE
MUNICIPAL CODE OF THE CITY OF DEMING NEW MEXICO

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
DEMING, NEW MEXICO:

Title 2, Chapter 8, Section 5C, of the City of Deming Municipal Code will be deleted and
replaced with the following:

2-8-5 ORGANIZATION: MEETINGS:

- C. Meetings: The committee shall meet quarterly at a regular time and place to be fixed by
the committee. The committee may hold special meetings as circumstances dictate.

PASSED, ADOPTED, AND APPROVED, this 14th day of May, 2012.

CITY OF DEMING, NEW MEXICO



Andres Z. Silva, Mayor

ATTEST:



Richard F. McInturff, Deputy Clerk



ORDINANCE # 1223

AN ORDINANCE APPROVING THE SALE AND LEASE OF MULTIPLE AGRICULTURAL REAL ESTATE PROPERTIES OWNED BY THE CITY OF DEMING, NEW MEXICO TO SEPARATE ENTITIES AND INDIVIDUALS

WHEREAS, the Waterloo Farm Partnership, a general partnership and current lessor (hereafter referred to as "the Waterloo Farm Partnership") whose partners are James E. Keeler and J. Cass Keeler and whose address is 230 Sunshine Rd. SE, Deming, NM 88030 have made a proposal to purchase the Waterloo Farm and also to lease the adjacent Marcak Farm, both properties to be further described in Attachment A1 and B respectively; and

WHEREAS, Rancho Globo, a Limited Liability Corporation, and previous lessor, whose principal is Kevin Penn and whose address is 10515 Hermanas Road SW, Deming, NM 88030 has entered into a purchase of the property known as the Yates Farm, which is further described in Attachment A2; and

WHEREAS, William Zachery Penn, a sole individual, and current lessor, and whose address is 10515 Hermanas Road SW, Deming, NM 88030 has made a proposal to purchase the property known as the Woods I Farm, which is further described in Attachment A3; and

WHEREAS, the Waterloo Farm has appraised for \$420,000, the Yates Farm has appraised for \$415,000, and the Woods I Farm has appraised for \$320,000; and

WHEREAS, the City of Deming declares all the real property with the appurtenant water rights in Exhibits A1, A2, and A3 as surplus; and

WHEREAS, the City of Deming is interested in leasing the Marcak Farm to the Waterloo Farm Partnership in order to receive a return on the purchased investment and in order to put some of the water rights purchased to beneficial use; and

WHEREAS, the City of Deming pursuant to Section 3-54-1 and 3-17-3 NMSA 1978 Comp., has published a Notice of Proposed Ordinance Approving the Sale and Lease of Real Estate owned by the City of Deming.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMING, NEW MEXICO:

1. The City of Deming, New Mexico shall sell to the Waterloo Farm Partnership, Rancho Globo LLC, and William Zachery Penn certain real estate in Luna County, New Mexico surplus property described in Attachments A1, A2, and A3 respectively attached hereto by reference.

2. The terms of the purchase agreements negotiated by management shall at a minimum establish the sales price of the properties at current appraised value. The selection of the appraiser shall be mutually agreed upon by both parties to the transaction.

3. The City of Deming, New Mexico shall lease to the Waterloo Farm Partnership certain real estate in Luna County, New Mexico described in Exhibit B, attached hereto by reference.

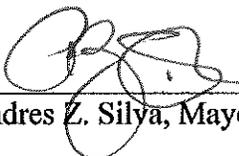
4. The final terms of the lease, shall be negotiated between the two parties with the minimum initial lease price of \$110 per acre, installation of a drip irrigation system in two years, a start date no later than March of 2013, and the term not to exceed twelve years. The leasehold property known as the Marcak Farm is described in Exhibit B and attached hereto by reference.

5. The City of Deming's purpose in entering into this lease with the Waterloo Farm Partnership is to receive a return upon this real estate and water right investment and in order to produce general and water funds revenue for the City of Deming from proceeds of the lease while simultaneously putting the already purchased water rights to beneficial use in a farming operation.

6. The approval of this sales and lease may be subject to a referendum pursuant to Section 3-54-1D, NMSA 1978. This ordinance shall become effective forty-five days after its adoption unless a referendum election is held pursuant to Section 3-54-1H NMSA, 1978 Comp.

PASSED, ADOPTED AND APPROVED by the City Council, City of Deming, New Mexico, this 14th day of May, 2012.

CITY OF DEMING, NEW MEXICO

By _____
Andres Z. Silva, Mayor

ATTEST:

_____
Richard F. McInturff, Deputy Clerk



**PLAT of WATERLOO FARM GROUND WATER DEVELOPMENT
UNDER PERMIT No. M-225 C/D JAMES E. KEELER
TO CHANGE LOCATION OF WELL AND PLACE OF USE AND IN NIMBRES UNDERGROUND WATER B**

**WATER RIGHTS ARE BEING CONVERTED FROM A BLOCK
SYSTEM TO PERMANANT IRRIGATED LAND**

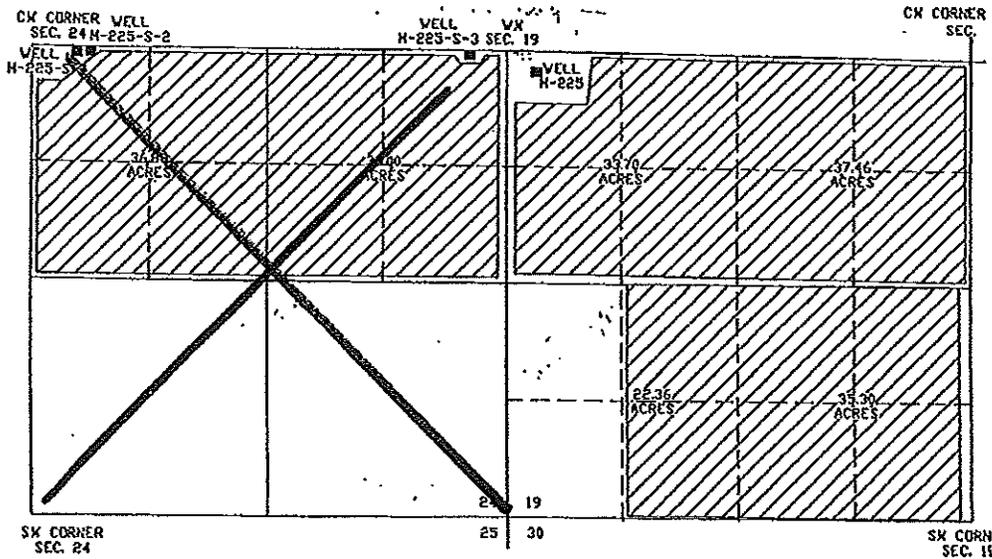
Attachment A1
Waterloo Farm

AREA MOVED FROM & MOVED TO

SUBDIVISION	SECTION	TOWNSHIP	RANGE	ACRES
NW1/4SEK	24	25S	10W	36.88
NE1/4SEK	24	25S	10W	38.00
NW1/4SWK	19	25S	9W	33.70
NE1/4SWK	19	25S	9W	37.46
SE1/4SWK	19	25S	9W	35.30
SW1/4SWK	19	25S	9W	22.36
TOTAL				203.70

WELL LOCATIONS:

FILE	SUBDIVISION	SECTION	TOWNSHIP	RANGE
H-225	NW1/4SWK	19	25S	10W
H-225-S-2	NW1/4NEK	24	25S	10W
H-225-S-3	NE1/4NEK	24	25S	10W
H-225-S-4	NW1/4NEK	24	25S	10W



DESCRIPTION

THE SOUTHWEST QUARTER (SW1/4) OF SECTION NINETEEN (19),
TOWNSHIP TWENTY-FIVE (25), SOUTH, RANGE NINE (9) WEST,
NMPM, LUNA COUNTY, NEW MEXICO.

CERTIFICATION

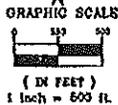
DEWING, LUNA COUNTY, NEW MEXICO, JULY 29, 2004.
I, FRANK L. QUARRELL, HEREBY CERTIFY THAT I AM THE
REGISTERED LAND SURVEYOR WHO PREPARED THIS PLAT
FROM NOTES OF AN ACTUAL SURVEY CONDUCTED BY ME
OR UNDER MY DIRECTION AND THAT THE SAME ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
THIS PLAT MEETS THE MINIMUM REQUIREMENTS OF THE
STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

Frank L. Quarrell
PROFESSIONAL LAND SURVEYOR LS1110



FILE No. H-225
TWP 25S R9W SEC
TWP 25S R9W SEC

QUARRELL SURVEYING
318 CODY ROAD
P.O. BOX 908
DEWING, NM
(505)546-8021
FAX (505)546-3256

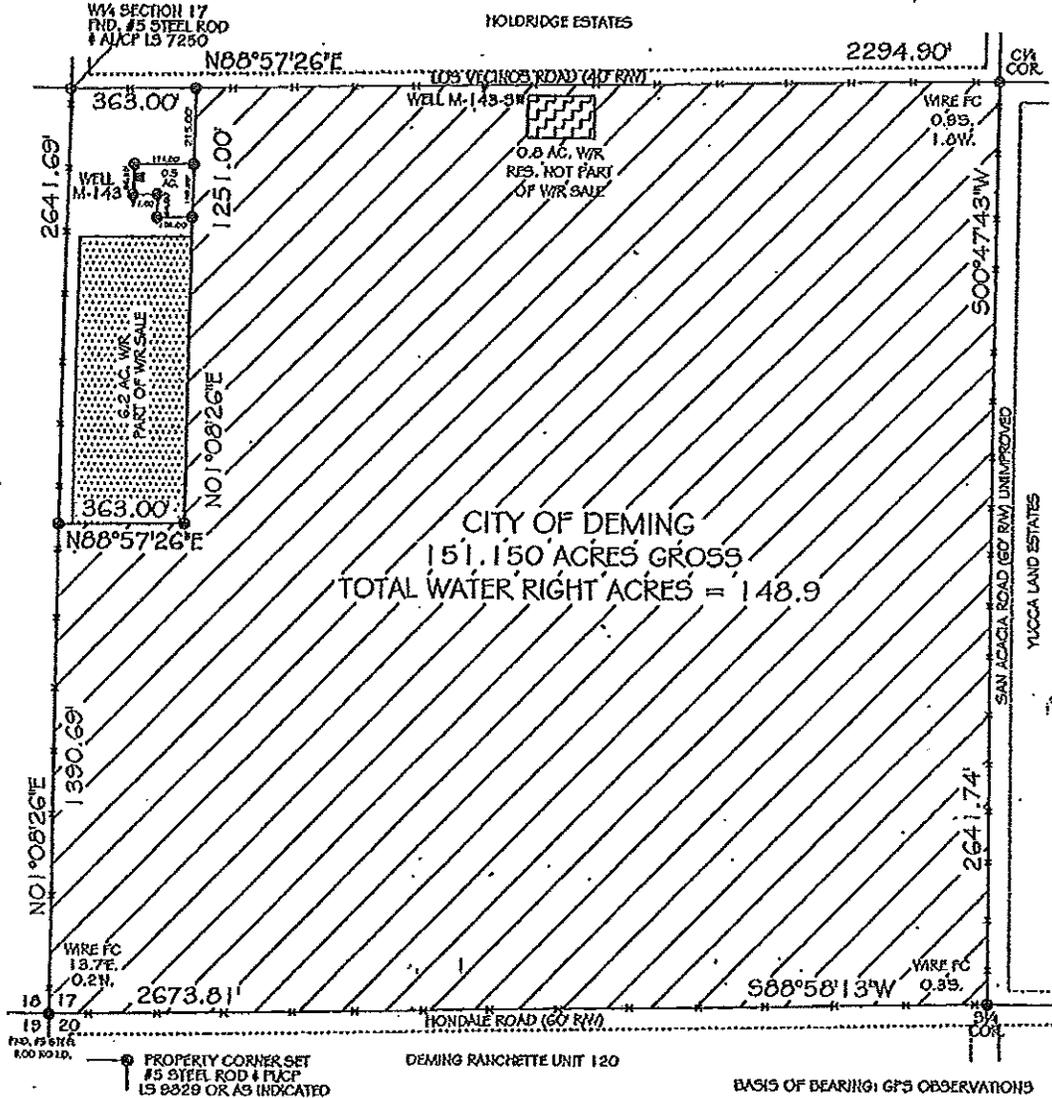


CITY OF DEMING

**Attachment A2
Yates Farm**

PROPERTY BOUNDARY SURVEY

A SURVEY TO SET OR LOCATE THE PROPERTY CORNERS FOR A CERTAIN TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 17, T25S, R9W OF THE H.M.P.M. IN LUNA COUNTY, NEW MEXICO.



DESCRIPTION

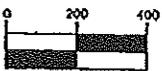
A TRACT OF LAND SITUATE IN THE SOUTHWEST QUARTER (SW¼) SECTION 17, T25S, R9W OF THE N.M.P.M., LUNA COUNTY, NEW MEXICO AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF THIS TRACT, WHICH POINT IS ALSO THE SW CORNER OF SAID SECTION 17; THENCE N01°08'26\"/>

TOGETHER WITH A 0.50 ACRE TRACT BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF THIS TRACT, FROM WHICH THE NE CORNER OF THE ABOVE DESCRIBED TRACT BEARS N01°08'26\"/>



GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.

QUARRELL SURVEYING
913 S. DIAMOND AVE.
P.O. BOX 908
DEMING, NM
(505)548-8021
FAX (505)548-3259



CERTIFICATION

Deming, Luna County, New Mexico, April 21st, 2005.
I Frank L. Quarrell, New Mexico Professional Surveyor No. 9829 do hereby certify that this Boundary Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision, that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this is not a land division or subdivision as defined in the New Mexico subdivision act.

Frank L. Quarrell
Professional Land Surveyor 9829

CITY OF DEMING

Attachment A3
Woods I

PROPERTY BOUNDARY SURVEY

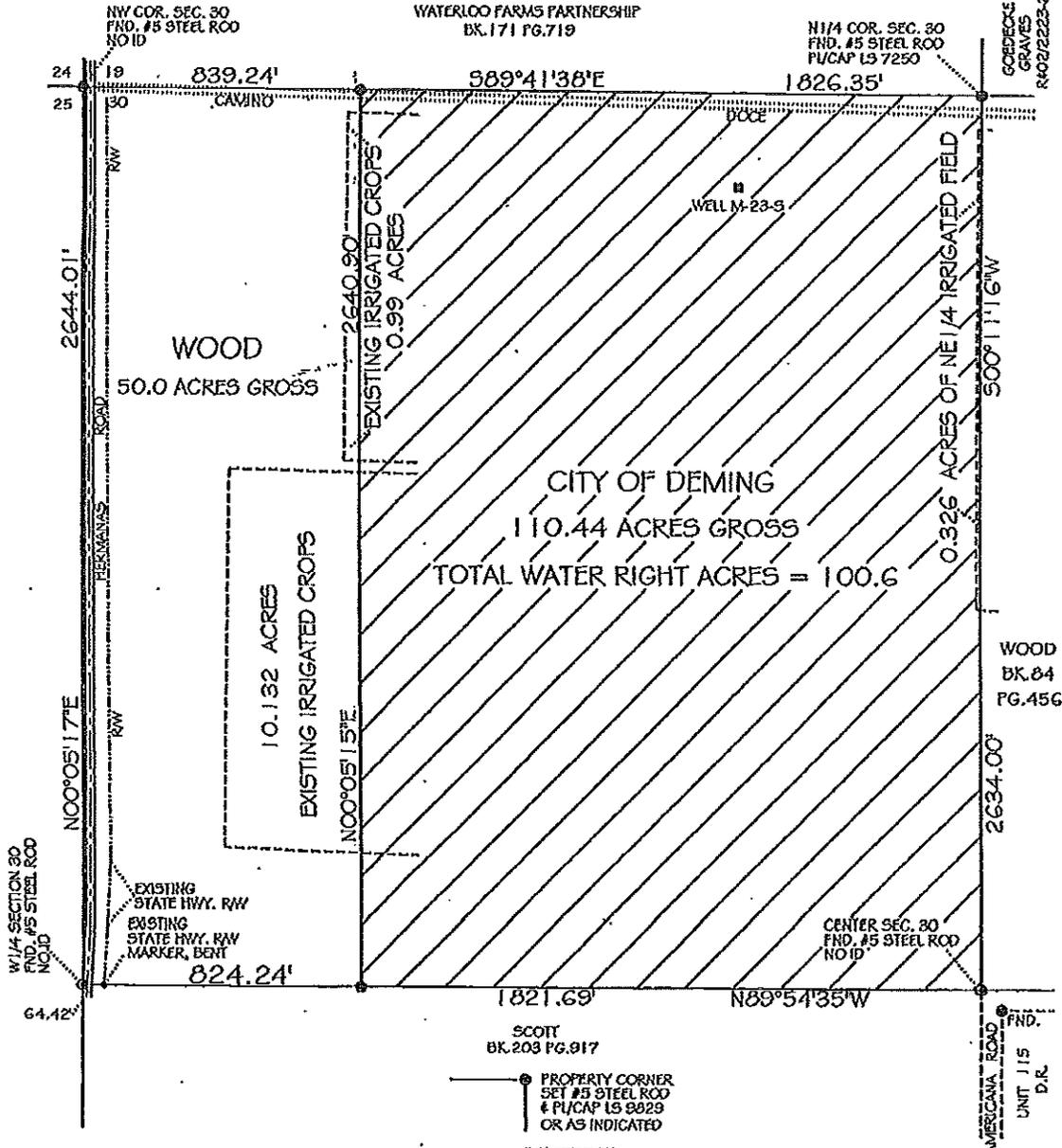
A SURVEY TO SET OR LOCATE THE PROPERTY CORNERS FOR A CERTAIN TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 30, T25N, R9W OF THE N.M.P.M. IN LUNA COUNTY, NEW MEXICO.

BASIS OF BEARING: GPS OBSERVATIONS

WATERLOO FARMS PARTNERSHIP
BK.171 PG.719

N1/4 COR. SEC. 30
FND. #5 STEEL ROD
PUCAP LS 7250

GOEDECKE
GRAVES
R4022223-24



W1/4 SECTION 30
FND. #5 STEEL ROD
NO ID

EXISTING
STATE HWY. RW
EXISTING
STATE HWY. RW
MARKER, BENT

CENTER SEC. 30
FND. #5 STEEL ROD
NO ID

WOOD
BK.84
PG.456

AMERICANA ROAD
FND.
UNIT 115
D.R.

SCOTT
BK.203 PG.917

PROPERTY CORNER
SET #5 STEEL ROD
& PUCAP LS 9829
OR AS INDICATED

DESCRIPTION

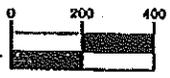
A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER (NW1/4) SECTION 30, T25N, R9W OF THE N.M.P.M. IN LUNA COUNTY, NEW MEXICO AND BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE CENTER OF SAID SECTION 30, WHICH POINT IS THE SE CORNER OF THE TRACT HEREIN DESCRIBED; THENCE N69°54'35"W ALONG THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 30 A DISTANCE OF 1821.69 FEET TO THE SW CORNER OF THIS TRACT; THENCE N00°05'15"E, 2640.90 FEET TO THE NW CORNER OF THIS TRACT; THENCE S89°41'38"E ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 1826.35 FEET TO THE NE CORNER OF THIS TRACT; THENCE S00°11'16"W ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 30, A DISTANCE OF 2634.0 FEET TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 110.44 ACRES MORE OR LESS AND 100.6 ACRES OF WATER RIGHTS AND IS SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

CERTIFICATION

Deming, Luna County, New Mexico, August 26th, 2004.
I, Frank L. Quarrell, New Mexico Professional Surveyor No. 9829 do hereby certify that this Boundary Survey Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision, that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this is a Boundary Survey Plat of an existing tract or tracts, it is not a land division or subdivision as defined in the New Mexico subdivision act.
Frank L. Quarrell
Professional Land Surveyor 9829



GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.

QUARRELL SURVEYING
913 S. DIAMOND AVE.
P.O. BOX 908
DEMING, NM
(505)546-6021
FAX (505)546-3755

Exhibit "B" Marcak Farm

(Page 1 of 3)

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township Twenty-five South (25S), Range Ten (10) West, N.M.P.M., less a Thirty foot (30') strip on the West side of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-four (24), Township Twenty-five South (25S), Range Ten (10) West, N.M.P.M. and less State Road 331.

The North Half (N $\frac{1}{2}$) of Section Nineteen (19), Township Twenty-five South (25S), Range Nine (9) West, N.M.P.M.; SAVE AND EXCEPT those certain tracts I, II, III, IV and V, described on Exhibit A-1 attached hereto.

Exhibit "B" Marcak Farm

(Page 2 of 3)

TRACT I

A tract of land situate in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 19, T25s, R9W of the N. M. P. M. in Luna County, New Mexico and being described as follows: Beginning at the NW corner of the tract herein described, which point bears east along the north line of said Section 19 a distance of 199.0 feet from the NW corner of said Section 19; Thence continuing east a distance of 24.0 feet to the NE corner of this tract; Thence S. 00° 20' 00" E. a distance of 127.07 feet to the SE corner of this tract; Thence S. 25° 46' 07" W. a distance of 60.81 feet to the SW corner of this tract; Thence N. 06° 06' 00" E. a distance of 24.62 feet to a point; Thence N. 00° 20' 00" W. a distance of 157.36 feet to the point of beginning. This tract is subject to a road easement of 27.36 feet along the north line.

TRACT II

A tract of land situate in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 19, T25s, R9W of the N. M. P. M. in Luna County, New Mexico and being described as follows: Beginning at the NW corner of the tract herein described, which point bears S. 00° 56' 00" W. along the west line of said Section 19 a distance of 279.96 feet from the NW corner of said Section 19; Thence N. 88° 48' 40" E a distance of 187.07 feet to a point; Thence N. 06° 06' 00" E. a distance of 95.0 feet to a point; Thence East a distance of 140.0 feet to the NE corner of this tract; Thence South a distance of 400.0 feet to the SE corner of this tract; Thence N. 89° 53' 25" W. a distance of 332.22 feet to the SW Corner of this tract; Thence N. 00° 56' 00" W. along the west line of said Section 19 a distance of 301.06 feet to the point of beginning. This tract is subject to a road easement along the west line.

TRACT III

From the Northwest corner of Section 19, T25s, R9W of the N. M. P. M. in Luna County, New Mexico; Thence East, along the north line of the Northwest Quarter of said Section 19, a distance of 1,288.26 feet; Thence South, along a line 90 degrees to the north line of the Northwest Quarter of said Section 19, a distance of 33.00 feet to the point of beginning which point is the Northwest corner of this tract; Thence N. 89° 33' 08" E. a distance of 1326.00 feet to a point which is the Northeast corner of this tract which point is 22.64 feet south of and 29.00 feet west of the North Quarter Corner of said Section 19; Thence South a distance of 272.00 feet to the Southeast Corner of this tract; Thence S. 89° 33' 08" W. a distance of 1326.00 feet to the Southwest Corner of this tract; Thence North a distance of 272.00 feet back to the point of beginning. Excepting from said tract a parcel of land which is 46.0 feet long and 30.0 feet wide, the NE corner of this parcel lying S. 89° 33' 08" W. a distance of 1016.0 feet from the NE corner of the main tract and sides of said parcel being parallel to the North line of said main tract. This tract is also subject to easement as follows: A strip of land 23.00 feet wide lying in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and more particularly described as follows: Beginning at the NW corner of Section 19, T25s, R9W of the N. M. P. M. in Luna County, New Mexico; Thence East along the north line of the NW $\frac{1}{4}$ of said Section 19 a distance 1432.86 feet to a point, which point is the NW corner and the point of Beginning of the strip herein described; Thence continuing East a distance of 23.0 feet to the NE corner of this strip; Thence South a distance 31.70 feet to the SE corner of this strip; Thence S. 89° 33' 08" W. a distance of 23.0 feet to the SW corner of this strip; Thence North a distance of 31.87 feet to the point of beginning. This strip is for purposes of ingress and egress.

TRACT IV

Beginning at the Northwest corner of Section 19, Township 25 South, Range 9 West of the N. M. P. M. in Luna County, New Mexico which point is the Northwest corner of this tract; thence East along the North line of said Section 19, a distance of 199.0 feet to the northeast corner of this tract; Thence S. 0° 20' E. a distance of 157.0 feet to a point; Thence S. 06° 06' W. a distance of 119.62 feet to the Southeast corner of this tract; Thence S. 88° 48' 40" W. a distance of 182.72 feet to the Southwest corner of this tract; Thence N. 0° 56' W., along the west line of said Section 19, a distance of 279.50 feet back to the point of beginning. This tract is subject to an easement along the North and West lines. This tract is also subject to an easement for a water line along the North line, the width of which is the minimum necessary to maintain said water line.

TRACT V

DESCRIPTION: A 4.000 acre tract of land in the north half of the north half of the northwest quarter of the northwest quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section nineteen (19), Township twenty-five (25) south, Range nine (9) west, N.M.P.M., Luna County, New Mexico, being described as follows:

Commencing at a bolt at the NW corner of said Section 19;

Thence on a bearing of EAST, along the north line of said Section 19, a distance of 1288.26 feet to a point;

Thence on a bearing of SOUTH, a distance of 33.00 feet to a no. 5 steel rod at corner 1 of this tract and New Point of Beginning;

Thence continuing on a bearing of SOUTH, a distance of 272.00 feet to a no.5 steel rod at corner 2 of this tract;

Thence S.89°33'08"W., a distance of 636.40 feet to a no.5 steel rod at corner 3 of this tract;

Thence on a bearing of NORTH, a distance of 272.00 feet to a no.5 steel rod at corner 4 of this tract;

Thence N.89°33'08"E., a distance of 306.40 feet to a no.5 steel rod at corner 5 of this tract;

Thence on a bearing of NORTH, a distance of 35.58 feet to corner 6 of this tract;

Thence N.89°33'08"E., a distance of 30.00 feet to corner 7 of this tract;

Thence on a bearing of SOUTH, a distance of 35.34 feet to a no.5 steel rod at corner 8 of this tract;

Thence N.89°33'08"E., a distance of 300.00 feet to the point of beginning.

This tract contains 4.000 acres, more or less, and is subject to a 10 foot wide drainage ditch easement, 9 feet west of and parallel with the east boundary line, an easement for the existing concrete irrigation ditch and the existing County Road C-020 (Hondale Road) on that portion of this tract encompassed by points 5, 6, 7 and 8 and is subject to all easements, reservations and restrictions of record.